## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:19-cv-00187-FDW

LIONELL MARBURY,	)
Plaintiff,	)
vs.	ORDER
FNU WILERBY, et al.,	)
Defendants.	)
	)

**THIS MATTER** is before the Court on Plaintiff's letter [Doc. 7], which the Court construes as motion to compel the North Carolina Department of Public Safety (NCDPS) to produce Plaintiff's grievance records and other discovery materials and a motion to extend the deadline within which the Plaintiff must file his Administrative Remedies Statement.

Plaintiff asks the Court to compel the NCDPS to provide Plaintiff with his grievance records for "grievances 11-7-2016 4880-2016-03622 and 5-8-2016 3510-2016-02166." The Court will deny this motion. If Plaintiff has not maintained his own copies of these records, the Plaintiff is directed to file his Administrative Remedies Statement without the grievance records he contends are being withheld by the NCDPS.

With respect to Plaintiff's motion to compel as it relates to "any/all information pretaining [sic] to case No. 3:19-cv-00187-FDW (video footage from the time of the incident reported '4-18-16 – 6-28-16', grievances, statements, injury report, and medical records)," this motion will be denied. Plaintiff is advised that discovery in this action does not commence until after Defendants have been served and answered or otherwise responded to the Complaint, and after the Court has entered a Pretrial Order and Case Management Plan in this matter setting forth deadlines for

discovery and dispositive motions. Moreover, once discovery commences, Plaintiff must seek discovery from Defendants directly, rather than filing requests for discovery with the Court.

## IT IS THEREFORE ORDERED THAT:

- (1) Plaintiff's motion to compel [Doc. 7] is **DENIED**;
- (2) Plaintiff's motion for an extension of time to file his Administrative Remedies Statement [Doc. 7] is **GRANTED**, and the Plaintiff has twenty (20) days from the date of this Order within which to file it.

Signed: May 23, 2019

Frank D. Whitney

Chief United States District Judge